

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.,

Plaintiff,

VS.

THE REPUBLIC OF CUBA,

Defendant.

12 Civ. 1596 (AKH)

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr., et al.,

Petitioners,

VS.

BANCO BILBAO VIZCAYA ARGENTARIA (S.A.), et al.,

Respondents/Garnishees.

THE BANK OF NEW YORK MELLON,

Third-Party Petitioner,

VS.

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr., et al.,

Counterclaim Respondents,

and

SBH EURL (a/k/a LA CASA DEL HABANO), et al.,

Third-Party Respondents.

**ANSWER OF BBVA BANCOMER, S.A. TO THIRD-PARTY PETITION
OF RESPONDENT BANK OF NEW YORK MELLON
FOR INTERPLEADER AND OTHER RELIEF**

BBVA Bancomer, S.A. (“BBVA”), by and through their attorneys, White & Case LLP, for their Answer to the Third-Party Petition of Respondent Bank of New York Mellon for Interpleader and Other Relief (“Third-Party Petition”), dated April 18, 2014, states as follows:

1. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.

2. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.

4. BBVA denies the allegations in Paragraph 4.

5. BBVA denies the allegations in Paragraph 5.

6. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6.

7. BBVA admits the allegations in Paragraph 7.

8. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8.

9. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9.

10. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10.

11. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. BBVA admits the allegations in Paragraph 12.

13. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13.

14. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14.

15. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

16. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.

17. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

20. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21.

22. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

25. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

26. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26.

27. The allegations in Paragraph 27 state legal conclusions to which no response is required.

28. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.

30. BBVA repeats and realleges the responses in Paragraphs 1 through 29 above.

31. The allegations in Paragraph 31 state legal conclusions to which no response is required.

32. The allegations in Paragraph 32 state legal conclusions to which no response is required.

33. BBVA repeats and realleges the responses in Paragraphs 1 through 32 above.

34. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34.

35. The allegations in Paragraph 35 state legal conclusions to which no response is required.

36. BBVA repeats and realleges the responses in Paragraphs 1 through 35 above.

37. The allegations in Paragraph 37 state legal conclusions to which no response is required.

38. The allegations in Paragraph 38 state legal conclusions to which no response is required.

39. BBVA repeats and realleges the responses in Paragraphs 1 through 38 above.

40. The allegations in Paragraph 40 state legal conclusions to which no response is required.

FIRST AFFIRMATIVE DEFENSE

41. This Court lacks subject matter jurisdiction over this action under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605 et seq.

WHEREFORE, BBVA respectfully prays that the Court dismiss this action for lack of subject matter jurisdiction and award such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 18, 2014

WHITE & CASE LLP

By: /s/ Kenneth A. Caruso
Kenneth A. Caruso

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Attorneys for BBVA